

APPROVED: MEETING NO. 6-85

ATTEST: *Helen M. Heneghan*

MAYOR AND COUNCIL

ROCKVILLE, MARYLAND

MEETING NO. 1-85

January 7, 1985

The Mayor and Council of Rockville, Maryland, convened in executive session in the City Manager's conference room, City Hall, Rockville, Maryland, for consultation with legal counsel and for personnel matters.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams
(arrived at 7:30 p.m.)

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

There being no further business to come before the Council in executive session the Meeting was adjourned at 7:50 p.m.

Re: General Session

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland, on Monday, January 7, 1985, at 8:00 p.m.

PRESENT

Mayor Viola D. Hovsepian

Councilman Steve Abrams

Councilman Douglas Duncan

Councilman Peter Hartogensis

Councilman John Tyner, II

The Mayor in the Chair.

Re: City Manager's Report

Mr. Blick reported the following:

1. On Friday there will be a meeting of the National School Board Association on a School/Business Partnership. Among the city representatives at the meeting will be Councilman Abrams, Charles Haughey of the Advisory Commission on Public Education, and the Assistant City Manager.

2. The Human Rights Commission will sponsor a program to honor Martin Luther King on Saturday, January 12 at the Senior Center.

3. Applications for Fletcher Place parking permits were mailed on Friday. The Special Exception hearing on the Twinbrook Baptist Church was held January 5 and continued until February 2. The Assistant City Manager is currently working with the Director of the Treatment Center to ascertain a reasonable number of visitor passes that will be needed.

4. The Rockville Town Center Partner's Architect has been proceeding with the design of the Courthouse Square parcel including the hotel. Meetings have been held between the staff and the architect. On January 15 the developer is to submit evidence of financing for a hotel. On April 15 the developer must file for the building permit. On June 1, the building permit is to be issued and on June 15, construction is to begin.

5. Construction on the First Street extension is underway and a July 1 completion date is anticipated.

Councilman Abrams asked if the permits have been decided for Fletcher Place. He suggested the City Hall permits might be used in high enough numbers so as not to confuse. The City Manager said the staff would look into it.

Re: Proclamation: To
Support the
Washington Area Fuel
Fund

There being no objection from the Council, Mayor Hovsepian proceeded to issue Proclamation No. 1-85, supporting the Washington Area Fuel Fund. Councilman Hartogensis read the proclamation at the request of the Mayor in which it was urged that the citizens join in this worthwhile effort to assist others in their time of need. Rodney Neidomanski of the Washington Gas Light Company accepted the proclamation.

Re: Appointments

Mayor Hovsepian made the following appointments. They were confirmed by the Council:

Historic District Commission: Sue Collett - reappointed to a 3-year term

Board of Appeals: Richard Arkin - reappointed to a 3-year term

Traffic & Transportation: Robert Weirich - reappointed to a 2-year term

Cultural Arts Commission: Keith Fisher - reappointed to a 2-year term
Marilyn Scott - reappointed to a 2-year term

Re: Citizen's Forum

The Mayor opened the Meeting to those citizens who wished to address the Mayor and Council:

1. Richard Resnick, North Farm Citizens Association. Mr. Resnick requested the Mayor and Council move the scheduled January 14 hearing on the Westmont Master Plan to January 28 when the Text Amendment and Map Amendment would be heard. He said there is still a lot to be learned before the Association can make its recommendations. He said the new configured street proposal was rejected by the State and this will necessitate further work by the Association. The North Farm Association has been awaiting the traffic studies that play a large part in the recommendations. At the same time he said that the number of people testifying will certainly overflow the Council Chambers and the hearing should be moved to a different location. The Association has talked to Mr. Kenney, the developer and he concurs with the move to the 28th.

Mr. Hartogensis asked Mr. Resnick if the other neighborhoods affected agree to the change of date. Mr. Resnick said there has been no time to contact them. Councilman Abrams asked the City Manager if the City had received any information from the State. The City Manager said not at this time.

2. John Kenney, General Partner in the Westmont Associates. Mr. Kenney told the Council that he too on behalf of the Westmont Associates supports the change to January 28 for the hearing if there will be no change in the date of the decision. At the same time he would like to have the format discussed this evening so that the time will be made clear and everybody will have an opportunity to speak. He said the State has not rejected the road proposal but has listed three items that need further modification. A draft of that should be ready at the end of the week. Councilman Abrams asked the City Attorney if the three hearings could be combined as one. Mr. Glasgow suggested they be held separately since there are many legal questions that need to be resolved.

3. Mark Allen, North Farm Citizens Association. Mr. Allen asked the Mayor and Council if they would rearrange this evening's agenda and move Item No. 9 between Items 4 and 5. Mayor Hovsepian said this evening's agenda is brief and she would prefer not to make changes. He also noted that a paragraph was left out of the Text Amendment.

4. Jackie Williams, 132 South Adams Street. Mrs. Williams told the Council that it is important citizens be allowed to speak unrestricted and not be limited. Citizens should be allowed to use the three minutes as they wish. They could either speak as individuals or have a continued reading.

There being no other citizen wishing to address the Mayor and Council, the Mayor closed the Citizen's Forum portion of the Meeting.

Re: Review and Adoption
of Resolutions: A. To
establish fees for
Building, Plumbing,
Electrical and
Mechanical permits
B. To establish fees
for Temporary Use
Permits

Resolution No. 1-85

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 1-85, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council establishing fees for Building, Plumbing, Electrical and Mechanical permits, was adopted by the Mayor and Council.

Resolution No. 2-85

On motion of Councilman Tyner, duly seconded and unanimously passed, Resolution No. 2-85, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council establishing fees for Temporary Use Permits was adopted by the Mayor and Council.

Re: Resolution: To
extend Moratorium on
Rockville Pike from
January 22 to April 2

Resolution No. 3-85

On motion of Councilman Abrams, duly seconded and unanimously passed, Resolution No. 3-85, the full text of which can be found in Resolution Book No. 8 of the Mayor and Council extending the Moratorium on Rockville Pike from January 22 to April 2 was adopted by the Mayor and Council.

Councilman Duncan cautioned that the staff should be prepared to have everything in place to rescind this moratorium on April 2.

Re: Introduction of
Ordinance: To expand
the Membership of the
City's Retirement
Board

On motion of Councilman Hartogensis, there was introduced upon the table an ordinance expanding the membership of the City's Retirement Board. Said ordinance to lay over at least one week before final action is taken.

Re: Award of Contract:
To Conduct
Classification Study

The last pay and classification analysis was done in 1973. Since then, there have been changes in the services that the City provides as an organization, and changes in some of the jobs. Executing a pay and classification study provides and opportunity to formally check the system for internal consistency, and also with regard to prevailing wage rates.

This fall, staff released a request for proposal for the pay and classification study. Five proposals were received ranging in price from \$33,800 to \$55,000. A review committee consisting of the Finance Director, the Budget and Management Officer, and the Personnel Specialist reviewed the proposals. The highest number of points was awarded to the Hay Group.

With the information that the Hay Group had scored the highest number of point, staff met with Hay Group representatives in an attempt to discuss executing the project at the lowest possible cost. The original cost estimate of \$37,000 was revised down to \$32,500. Securing the lesser price by reducing the number of jobs selected for evaluation as the benchmark from the original 50-75 proposed by Hay to a total of 30.

Staff recommends awarding the contract to the Hay Group, which received the recommendation of the Evaluation Committee and the City Manager be authorized to execute the contract with the Hay Group for \$32,500.

Councilman Tyner asked if the reduction in number was the result of a compromise. Mr. Hobbs said that the staff felt that cost-effective savings would be achieved in this manner. The evaluation of 30 position will give an overview of structure. Other positions then can be positioned according to point factors. Councilman Tyner cautioned that there is no need to cut back just to cut back. It should serve a purpose.

On motion of Councilman Abrams, duly seconded and unanimously passed, the contract was awarded to the Hay Group and the City Manager was authorized to execute it in the amount of \$32,500.

Re: Planning Area 12
A. Receipt of recommendations for amendment to Master Plan.
B. Instructions to staff to file comprehensive sectional zoning map amendment.
C. Referral of Text Amendment, T-66-84, to Planning Commission for further review and study

A. Receipt of Recommendations...

Councilman Tyner noted that this document has been received and mailed to all interested people.

C. Referral of Text Amendment, T-66-84...

Councilman Tyner moved, duly seconded and unanimously passed, to refer Text Amendment Application T-66-84 to the Planning Commission for further consideration with the request that the staff in consultation with the City Attorney, revise the Text Amendment to provide a new base zone classification for office use and, in addition, develop a new special development procedure which would allow comprehensively planned multi-use development. Councilman

Abrams noted that Mr. Allen referred to a missing paragraph in the amendment at citizen's forum. He suggested the Planning Commission make this adjustment.

B Instructions to Staff re: Sectional Map Amendment

On motion of Councilman Tyner, duly seconded and unanimously passed, the staff was asked to prepare a document for the Planning Commission to file a sectional Map Amendment for Planning Area 12 for placement in the new base office zone classification.

Mayor Hovsepien asked the Council's feeling on the postponement of the hearing.

On motion of Councilman Abrams, duly seconded and unanimously passed, the hearing on the Master Plan Amendment was postponed until January 28 and the staff was asked to investigate the holding of the hearing at the F. Scott Fitzgerald auditorium. If that is not available, a place of similar size. At that time all three items - the Plan, the Text Amendment and the Sectional Map Amendment will be heard. Councilman Abrams asked if other items will be discussed. The City Manager said that can be the only order of business. The Mayor and Council agreed the meeting would begin at 7:30 p.m.

Re: Award of Contract:
Bid No. 37-85,
Vehicle Replacement

As part of the City's vehicle replacement program, Bid No. 37-85 was opened at 3:00 p.m. on November 29, 1984. The purpose of this bid is to provide a 15 passenger van for Community Resources.

Though 15 proposals were requested, only one bid was received (Century Ford, Rockville) for \$13,663.64. The Budget provided \$13,000 for the purchase.

In a bid opening on November 11, 1984, also for a 15-passenger van, these four bids were received: \$12,761 (Century); \$13,605; \$13,860; and \$14,295.

Staff believes that the single bid of \$13,663.64 from Century is reasonable and recommends that the City accept it.

On motion of Councilman Duncan, duly seconded and unanimously passed, Bid No. 37-85 was awarded to Century Ford in the amount of \$13,663.64.

Re: Award of Contract:
Bid No. 52-85, Tree
Care Services

Invitation for Bid 52-85 was issued for the purchase of Tree Care Services in parklands and in Public Rights-of-Way.

Service is for a Base Year (12 months) with an option for an additional one year period of coverage. Inasmuch as the contract will cross fiscal years, continuance will be subject to appropriation of funds.

The City reserved the right to award either to the responsible bidder submitting the lowest aggregate bid for a one (1) year period of coverage or for a one year period combined with either one or two option years as chosen to be in the best interests of the City. Award is to be made on one base year and one option year as chosen by the Department of Recreation and Parks.

The Invitation for Bid was mailed to eight companies. Bids were opened at 4:00 p.m. on Wednesday, December 19, 1984. Two bids were received.

Bids were requested on a price per hour basis for Weekday Tree Maintenance during normal working hours and for Emergency Tree Maintenance on nights, weekends and holidays.

The hourly rates have been multiplied by the City's usage of Weekday and Emergency hours Tree Care during the last 12 months for purposes of evaluation.

<u>Company</u>	<u>Base Year</u>	<u>Option Year</u>	<u>Total</u>
Cole Landscape & Tree Service Wheaton, Maryland	\$46,475.00	\$46,475.00	\$92,950.00
Davey Tree Company, Gaithersburg, Maryland	\$50,133.75	\$51,275.35	\$101,408.75

The Budget estimate was approximately \$44,000.00 for a twelve month period.

Based on the above-referenced information, it is recommended that award be made to Cole Landscape and Tree Service for the Base Year in the amount of \$46,475.00 with an option year of \$46,475.00. The option year shall be subject to the review of the Contract Officer and the Director of Recreation and Parks sixty (60) days prior to the end of the base year.

On motion of Councilman Abrams, duly seconded and unanimously passed, Bid No. 52-85 was awarded to Cole Landscape and Tree Service for a Base Year amount of \$46,475.00 with an option year of the same amount.

Re: Approval of Testimony
on use of Section 8
program rehabilitate
Lenmore Apartments

The Housing Opportunities Commission has requested a letter from the City of Rockville supporting its activities at the Lenmore Apartments. The letter will be placed in the Record of the January 9 public hearing. Councilman Tyner asked if the Housing Authority had an opportunity to react to this. Mr. Gegan, Chairman of the Housing Authority said the Authority has no wish to interfere with those programs. The Authority plans to submit a list of prospective tenants to the Housing Opportunities Commission and they are quite pleased with how they are going. Councilman Hartogensis asked if the Housing Authority would have been interested in administering the program. Mr. Gegan said at the time the program began the Housing Authority was busy with its new director and reorganization. Also, the HOC has programs the City does not have.

On motion of Councilman Duncan, duly seconded and unanimously passed, the concept of the letter was approved.

Re: Approval of Minutes

On motion of Councilman Abrams, duly seconded and unanimously passed, the Minutes of Meeting No. 43-84, were approved as written.

On motion of Councilman Hartogensis, duly seconded and unanimously passed, the Minutes of Meeting No. 44-84, were approved as written.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. P. J. Ruffin, re traffic congestion

Mayor Hovsepian asked that an appropriate response be prepared for her signature.

2. Partners for Livable Places, re conference

Councilman Tyner encouraged the Council or staff to attend. Mayor Hovsepian agreed and suggesting even private parties might be encouraged to attend this meeting. Councilman Hartogensis said he planned to attend the Indiana meeting.

3. Everett Trumbo, re parking districts

4. Gerald Leighton, re crab apple trees

5. Betty Farrell, re thank you

6. Gerald Leighton, re noise level

7. Equitable Bank, re Human Rights Award

Councilman Duncan mentioned that this awards program will be held this Saturday at the Senior Center as the City Manager mentioned in his report. He said the trophy that will be awarded is most appropriate.

8. Leahy Drive petition for one-way

Councilman Tyner noted that Mrs. Osmond who wrote the petition is in the audience and he asked the staff to come back with a recommendation.

9. Maryland Recreation and Parks Association, re thank you

10. Anthony Kalica, re Planning Area 3

11. Board of Education, re Orchard Ridge boundary change

12. J. Salerno, re Ritchie Parkway/Edmonston Drive

13. J. O. Moser, re Ethics Ordinance

14. County Executive, re cable advisory committee

15. MCPS, re 1984 update

16. County Executive, re red brick courthouse

17. Judith Lagle, re neighborhood problem

Councilman Hartogensis noted that motor vehicle records are public and he does not understand the difficulty or problem mentioned in this letter. The City Manager said it is more complicated than the letter indicates and he will get back to the Council with a full report.

Re: Information Items

The Mayor and Council noted the following items of information:

1. Responses to citizens complaints
2. Staff attendance at SAS day
3. Response to Delegate Boergers request
4. Memo re lights at Wootton High School

Councilman Hartogensis suggested the City look into a policy of holding events at all three schools if lights are to be installed. The City Manager said a decision is requested by the School by March 1, may this be placed on an agenda? Mayor Hovsepian said it should be placed on an agenda soon. She hopes that the school had talked to the citizens in the neighborhood.

5. Memo from City Attorney re Burns vs. M & C
6. Memo re crab apple tree replacements
7. Copy of State of Maryland corrective order re Holladay-Tyler

Councilman Tyner asked the staff for an update on the Holladay-Tyler situation.

8. Copy of County Executive memo to County Council re Gaithersburg/Vicinity Master Plan

Councilman Hartogensis said he was surprised to read these comments from another level of government.

9. Memo re Tax Exemption Financing of Summit Apartments
10. Memo re Certification Program
11. Memo re Metro Overpass
12. Memo re Permit Parking implementation at Fletcher Place
13. Memo re Cable Television complaints

Councilman Tyner asked if Mr. Hobbs could provide the Mayor and Council with a rundown on complaints.

14. J.H.K. Report

Mayor Hovsepian asked if there are copies available for the public. The City Manager said they are.

Re: New Business

1. Councilman Abrams said he had received a response from the School Board to his request for the names of the feeder schools for the new development at Falls and Seven Locks Road. He would like a copy of his letter to be sent to Kettler Brothers for posting at the site since already complaints are being received from citizens about what they are being told by the developer.

2. Councilman Abrams noted an audit report and management letter had been received from the Director of Finance concerning REAP. It noted there has been no bank account reconciliation since November of 1983. He said he has asked the City staff for an audit and has the account been done. The City Manager said the audit will be done this month. The papers were all held up due to a police investigation.

3. Councilman Abrams asked the City Attorney when the ordinance on school districts will be brought forward. Mr. Glasgow said some time in the next two weeks. Councilman Abrams asked if the ads have been published for new appointments to the Public Education Advisory Commission and asked what the status is. He said he would like to see copies of all applications because it would serve the City well to have broader representation.

4. Councilman Tyner referred to the Management letter that Mr. Abrams had noted and asked the staff to be prepared to discuss the special assessments and the data processing controls that had not been addressed by the staff.

5. Councilman Tyner said he had asked for a traffic matrix using all of the assumptions for the development. He felt it would be helpful if the Mayor and Council could have that and have a briefing on the COG transportation program as soon as possible.

6. Councilman Hartogensis said he had asked for recommendations on a newsletter he plans to publish and there seems to be no staff problem nor an legal problem. He asked if the Council had any comments. Councilman Tyner suggested that if he decides to publish a newsletter, Councilman Hartogensis be wary of officialese and speaks only for himself, not the Mayor and Council.

7. The City Manager requested an Executive Session after the Budget and Goals meeting.

On motion of Councilman Abrams, duly seconded and unanimously passed, the Mayor and Council agreed to close the meeting after the work session for an executive session for consultation with legal counsel.

Re: Work Session
Budget Priorities

The following items have been compiled already:

Resurface Several Basketball Courts	\$ 42,000
Roof & Structural Repairs to Several City Bldgs	141,000
Heating System Repairs to Senior Center/Other Buildings	51,500
Azalea Drive Landscaping	3,000
Replace some Playground Equipment Beds with Pea Gravel	5,000
Infrastructure & Project Management System for Public Works (Computerized)	20,000
Computer Hardware & Software Requests	150,000
Ballfield Rake	5,000
Heavy Duty Volleyball Standards	3,000

The Mayor and Council were asked to submit their ideas for items that should be included in the budget. Mayor Hovsepian suggested the staff look into the placement of an awning at the front door as an overhang to assist people entering during inclement weather. Councilman Abrams asked the that the staff review the tree replacement program - whether it is more cost-effective to do it

as requested or a section at a time. Mayor Hovsepian suggested the staff might need to be increased to add an additional person in the traffic field. She asked the City Manager for his recommendation on this. The City Manager agreed it may need beefing up. Councilman Abrams asked that the staff do an inventory of equipment at KAT locations for maintenance and replacement and also to note where there is any reason to increase park maintenance, landscaping, etc. Mayor Hovsepian distributed material on citizen participation that she received at the National League of Cities where she also attended a work session on citizen participation and strategic planning. She suggested the Mayor and Council invite the presidents of the Civic Associations for an evening and staff briefing. For example they could be told about concrete maintenance and tree trimming. This would increase citizen participation on an on-going basis. It would be easier to sit at a round table for interaction. She suggested it be done in early spring. Councilman Abrams asked if the staff had anything further on the high-tech proposal from the education commission and Mayor Hovsepian asked what is being done with the City funds contributed from Artery. Councilman Abrams agreed and said there should be additional information coming to the Mayor and Council on the Artery transaction and where the funds will go. Councilman Tyner asked for an update on the five-year computer plan and the City's needs and where the City presently stands. The Mayor and Council agreed to change the January 21 meeting to January 24 for a work session on Area 3 provided this is suitable for the neighborhood. The City Clerk will finalize the arrangement.

Re: Executive Session

The meeting was closed for executive session as originally voted for consultation with attorney.

Meeting No. 1-85

-16-

January 7, 1985

Re: Adjournment

There being no further business to come before the Council in executive session the meeting was adjourned at 11:10 p.m. to convene again in general session on Monday, January 14, 1985, at 8:00 p.m. or at the call of the Mayor.